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# Standing Committee on Justice and Human Rights

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## Thursday, May 10, 2018

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**Chair**

**Mr. Anthony Housefather**

# Standing Committee on Justice and Human Rights

**Thursday, May 10, 2018**

● (1525)

[*English*]

**The Vice-Chair (Mr. Murray Rankin (Victoria, NDP))**: Ladies and gentlemen, my name is Murray Rankin. I am the Vice-Chair of the Standing Committee on Justice and Human Rights, and I welcome our witnesses, both virtual and real, to this hearing.

Pursuant to Standing Order 108(2) and the motion adopted on Thursday, June 8, 2017, the committee is resuming its study on human trafficking in Canada.

I'd like to introduce the witnesses. First I'd like to introduce Professor Janine Benedet, a Professor of Law at the Allard School of Law at the University of British Columbia.

Also present here in Ottawa is Mélanie Carpentier.

[*Translation*]

She's the Director of Victim Services at La Maison de Mélanie.

Welcome.

[*English*]

Also joining us, from the virtual world, if I can call it that, is the Honourable Nancy Morrison, Former Judge of the Supreme Court of British Columbia.

Thank you so much for being with us.

Last but not least, we have Barbara Gosse, the Chief Executive Officer of the Canadian Centre to End Human Trafficking.

Thank you so much for being with us as well.

As is our practice, I'd like to start with our virtual witnesses in case there's a difficulty. If that's okay, Honourable Nancy Morrison, I invite you to begin, and thank you in advance.

**Ms. Nancy Morrison (Former Judge of the Supreme Court of British Columbia, As an Individual)**: Thank you to the members of the standing committee for the opportunity to speak.

My name is Nancy Morrison. I've asked the clerk to put before you a statement that was made on July 10, 2014, by Brian McConaghy, a former RCMP forensic specialist. For the last 25 years he's been the head of an international charity that assists Cambodian youth to recover from sex trade abuses. I hope you will read his whole submission.

I'm quoting one portion only. McConaghy stated:

> I judge human trafficking and prostitution as inseparable and simply different elements of the same criminal activity [that] exploits vulnerable women and youth. The separation of these elements I view [as] largely academic.

That is also my view. Human sex trafficking is the fastest-growing criminal activity in the world. In 2012, profits from human sex trafficking were estimated at $58 billion per year. Two years later, in 2014, according to a joint statement of the Inter-agency Coordination Group against Trafficking in Persons, human trafficking is so lucrative that it was now estimated by the International Labour Office at $99 billion U.S. per year.

Following the 2013 Bedford decision by the Supreme Court of Canada, Parliament passed the Protection of Communities and Exploited Persons Act, which received royal assent in November 2014. For the first time in Canadian history, prostitution involving consenting adults became illegal. The act has criminalized the purchase of sexual services, making it an offence for an individual to buy sex in Canada. It criminalizes the pimps and the purchasers, not the sellers. The act gives immunity to those who sell sex, offering instead to help them exit the sex trade.

This is modelled after the Nordic model, with one unfortunate exception. One section of the act makes it illegal to solicit to sell sex in a public place, or any places open to public view that are next to a school ground, playground, or day care centre. In my view, Parliament should remove that section so that no individual who sells sex will be criminalized.

Human sex trafficking has no borders. Girls are trafficked from Asia, Africa, Europe, and certainly within our own countries. What can we learn from other countries?

Sweden, in 1999, passed the Sex Purchase Act, which criminalizes pimps and the customers who buy sex. Prostitutes are subject to no criminalization and are given assistance to leave the sex trade. The law's aims are gender equality, the safety of women and youth from violence, curbing human trafficking as well as prostitution, and changing their culture so that prostitution is no longer accepted as appropriate. It is violence against women and children, and contrary to gender equality.

Prostitution still exists in Sweden, but the culture is changing. Organized crime involved in the trade has been disrupted, and sex trafficking from foreign jurisdictions has decreased, along with the incidence of prostitution.

A 2015 government report reveals street prostitution had been cut in half, and an estimate of the number of prostitutes indicates that their number has decreased from 3,000 to 600. Sweden helps people to exit the sex trade, providing safety and housing, education, counselling, treatment for addictions, and financial assistance.

The Netherlands decriminalized prostitution in 2000. The result was a huge increase in the number of prostitutes in the Netherlands. Drug use, prostitution, organized crime, and human sex trafficking continued to rise. Amsterdam has become a destination for sex tourism.

Denmark also decriminalized prostitution in 1999. Between 2002 and 2009, the number of prostitutes increased by 40% in Denmark. Many of the trafficked young women there are from Romania and Nigeria.

New Zealand is often pointed to as a place where legal prostitution works well. You be the judge. On May 1 of this year there was an article in *The Guardian* reporting that New Zealand's immigration service has added sex work to the list of employment skills for those wishing to migrate. On the immigration website in New Zealand, this appears as skilled employment, but not on the skills-shortage list. New Zealand decriminalized the sex trade in 2003, with the stated goal of reducing violence, regular inspection of brothels, and no increase in the sex trade. *The Guardian* reports that the opposite has occurred.

● (1530)

Germany also decriminalized prostitution in 1999. There the sex trade mushroomed. By 2013, sex trafficking had seen an explosive increase. Many of the trafficked victims are from Romania, Bulgaria, and other former satellite countries. In May 2013, one German ad promoting a brothel read, "Sex with all women as long as you want, as often as you want, and the way you want. Sex. Anal sex. Oral sex without a condom." The police reported that the first weekend after the ad appeared, there were 1,700 customers at the brothel. Included on the menu of another German brothel was "sex with a pregnant woman".

Brothels are illegal in Canada under the 2014 amendments. In the Bedford case, an affidavit from a senior Toronto police officer urged the court not to legalize brothels. Brothels are among the few places where police can investigate and find not only sex trafficking, but underage prostitutes, refugees and immigrants who have been preyed upon, and foster children. In Canada, the greatest gift we could give to sex traffickers, here and internationally, would be to legalize prostitution, offering up Canada's most vulnerable girls, including many from first nation communities.

Misha Glenny, an expert in worldwide organized crime, who wrote *McMafia*, writes that trafficked women are the ideal entry-level commodity for criminals. He compares two commodities: a young girl and a car. A stolen car might net a one-time payment of $10,000 or $20,000 to the criminal, whereas a trafficked young woman generates income night after night, week after week, year after year, making $5,000 to $10,000 per month, and often more. We have cases in Canada in which drug traffickers have switched to trafficking in sex workers. There's much less danger in transporting the goods or commodities, as Glenny refers to them. There's much less danger in being caught, a lot more money, and it's easier to obtain young girls. There's a low risk of detection, and a much, much lower penalty if caught.

Regina v. Moazami was a human trafficking case in 2014 in Vancouver. There the accused had switched from trafficking in drugs to running his own stable of young girls. Eleven of those young women testified against him in court. Ten of the 11 testified that they began in the sex trade at the ages of 12, 13, 14, 16, and 17. Three of them were foster children, one was an immigrant from Afghanistan, and one was taken to Calgary for the Stampede. All were induced and kept in the trade with drugs, violence, and threats.

The diamonds of the sex trade are the children. Almost without exception, every woman that I acted for as defence counsel in prostitution cases, and there were many, had begun at a very young age. Almost all came from grim backgrounds of sexual and/or physical abuse. Children are in great demand in this industry. Trafficking children for sex is an open secret. They are much more valuable than the adults, and men are willing to pay extra for them. These young teens are hidden away in Airbnbs and luxury apartments, groomed and sold for sex in secret. When women in the sex trade are interviewed, few are asked, "At what age did you begin as a prostitute?"

To view prostitution as two equal parties striking a mutually beneficial agreement is nonsense. In the sex trade, the buyer has the power, and the young woman—the merchandise—has none. Particularly if she entered the sex trade as a child or a young teen, the notion of her consenting is ludicrous.

If we don't enforce the existing prostitution law by charging the customers and by trying to bring down the incidence of sex trafficking and prostitution, it should be no surprise that there is little discovery and enforcement of human sex trafficking. Most of us don't want to talk about prostitution. We need that enforcement, and at the same time we need to amend the existing offending section in the current legislation. We also need to provide adequate funded services for women and youth who are currently in the sex trade, and all encouragement and financial assistance to those who want to exit the trade. I've listed the services on the last page of my brief.

● (1535)

Sweden has shown the way by rejecting the culture that women and children, girls and boys, are commodities to be bought and sold. They have chosen a culture of gender equality, a culture that is against violence against women and children.

So should we.

**The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)):** Thank you very much, Judge Morrison.

We will now move to the other person who has joined us by video conference, Ms. Gosse. The floor is yours.

**Ms. Barbara Gosse (Chief Executive Officer, Canadian Centre to End Human Trafficking):** Thank you, Mr. Chairman and members of the committee. I am very honoured to to present to you today and to be here with the esteemed witnesses.

I have presented a brief, which is before you. I will make sure I stick to my timeline, so there will be only certain paragraphs I will pull from it.

I would like to focus on three main areas. First is the need for a national data collection mechanism. Second is the need for an integrated and coordinated national action plan. Third is the need to address the fact that corporate ownership secrecy is fuelling human trafficking in this country.

First, on the need for a national data collection mechanism, in Canada no national data collection mechanism currently exists to capture comparable statistics on human trafficking, and individual police services are not required to report incidents to a centralized agency. The federal RCMP has consistently identified that the available statistics severely under-report incidents of human trafficking.

The Canadian Centre to End Human trafficking is working to change this by designing and implementing the national human trafficking hotline. The Canadian hotline and its resulting data is a critical part of a necessary systems-based approach that would fundamentally disrupt and diminish human trafficking in Canada.

The hotline tool will provide data from victims and members of the public who report incidents. It will function as a critical component in a system that must include data collection across entities that are coordinated in their commitment to end human trafficking through legislative revitalization and coordination across federal entities and departments, federal-provincial-municipal enforcement and prosecution cooperation, as well as resource allocation targeting human trafficking network disruption.

The data generated will allow an understanding of diverse human trafficking typologies operating in Canada and thus will inform awareness and prevention campaigns, training of officials and service providers, corporate partnerships, gap areas, and law enforcement investigations. Sharing this cutting-edge intelligence will assist critical efforts to end human trafficking and assist victims and survivors.

Second, Canada needs an integrated and coordinated national action plan to comprehensively address instances of sex and labour trafficking across municipal, provincial, and federal jurisdictions. We understand that the federal Department of Public Safety has recognized the need to define and implement a new national action plan with the goal of addressing and ending human trafficking in Canada, and we applaud that effort.

Due to the complexity and geographic scope of trafficking operations, the disruption and eradication of such activity will occur only though a comprehensive, strategic approach, one that involves coordinated and targeted, multi-jurisdictional and multisectoral efforts.

The action plan must be supported through resource allocation to address the realities and challenges facing community organizations that assist victims and law enforcement agencies that investigate and detect human trafficking. The plan should also address comprehensive and strategic data collection, targeted policy and research initiatives, and objectives. There has already been extensive consultation done in this respect, and there is an agreement on policy, but the question is: how do you disrupt trafficking networks?

Third, corporate ownership secrecy is fuelling human trafficking in this country. There needs to be transparency on beneficial ownership in Canada. As an example, masking criminal profiteers makes it difficult to challenge, disrupt, and prosecute illicit body rub parlours, massage businesses, and holistic centres where human trafficking is occurring. Survivors of human trafficking, law enforcement, front-line service providers, and municipal policy-makers have all confirmed that individuals are being trafficked in illicit massage businesses, body rub parlours, and holistic spas across the country. These operate in all of our back yards—in all your backyards—where we live, where we work, and where we entertain ourselves.

What is unique about this form of trafficking is that massage parlour traffickers go through the process of registering their businesses as if they were legitimate. Conceivably then, it should be relatively simple to determine the basics about these businesses, such as what products or services they provide and who ultimately controls and makes money from the business. The actual or beneficial owner would in most cases be the trafficker in these instances and could be prosecuted as such.

However, in reality, the laws governing business registration are almost tailor-made for illicit massage parlour traffickers to hide behind. Neither the provinces nor the federal government requires those who set up companies to include the name of the actual owner of the business in the registration paperwork.

What is required depends on the jurisdiction. Sometimes the owner's name is left blank or it is filled with false information. Sometimes it is filled with the name of a registered agent or someone paid to be the front person or point of contact. Sometimes the business is registered under the name of an anonymous shell company, such as another business that exists in name only but has no actual assets.

● (1540)

All of this obfuscation is perfectly legal. Requiring transparency around the business ownership for law enforcement purposes is key to ending traffickers' ability to hide their networks and their cash flow.

To effectively and sustainably target massage parlour trafficking, law enforcement must undertake organized crime investigations that focus on ownership by looking into money laundering and tax evasion. This would shut down entire networks, meaning that individuals who are being trafficked could not simply be moved around until police interest has calmed down. That is what happens today. Such prosecutions would not only punish perpetrators but also send a strong signal that human trafficking in massage parlours is no longer a low-risk, high-profit venture, as it is widely seen today.

Flipping the perception of the risk versus the reward of human trafficking in these and other venues is key to ending the proliferation of this crime. Unfortunately, the ability of businesses to obscure ownership, and therefore network ties, makes it incredibly time-consuming and resource-intensive, and sometimes impossible for law enforcement to undertake such investigations.

Our recommendations would include the following.

Make legislative amendments to federal, provincial, and territorial corporate statutes or other relevant legislation to ensure that corporations hold accurate and up-to-date information on beneficial owners that will be available to law enforcement, tax, and other authorities.

Assess potential mechanisms to enhance timely access by competent authorities to beneficial ownership information. We should be requiring businesses to register official operators and primary owners, such as beneficial owners and partners in the businesses, all of whom should be required to provide valid phone numbers, addresses, unique identifying numbers from non-expired Canadian passports, and non-expired Canadian provincial identification cards, driver's licences, or a non-expired passport issued by a foreign government. We should be providing municipal, provincial, and federal law enforcement with direct access to this information.

Impose criminal and civil liability for failure to report beneficial ownership information. We should hold the official operator listed on all registration records legally liable for the business, unless it can be confirmed that the listed operator is a victim who was compelled to list him or herself as an operator. We should be providing resource assistance to municipal policy-makers and law enforcement where the proliferation of these illicit spas and businesses exist.

I would be pleased to answer any questions the committee may have on this submission.

**The Chair:** Thank you very much for that submission.

We'll now move to the two witnesses in the room.

Professor Benedet is first on the list. We will start with you, Professor.

**Professor Janine Benedet (Professor of Law, Peter A. Allard School of Law, University of British Columbia, As an Individual):** Thank you very much to the members of the committee for inviting me.

As has been said, I'm a Professor of Law at the University of British Columbia. For the past two decades, my scholarly research and a good deal of my pro bono legal work has focused on the issue of sexual violence against women, including the criminal laws surrounding sexual assault, prostitution, and pornography.

I'm here today speaking from that perspective, and I'm going to focus on the criminal law specifically. I understand that at least part of the impetus for these hearings was the proposed coming into force of Bill C-38, which originally started as a private member's bill. I've addressed the specific provisions of the bill in my written submissions, and I'm happy to take questions on that.

What I will say overall is that I think the amendments that are being proposed to come into force are positive but modest and really somewhat peripheral to the core issues with the criminal laws relating to trafficking and prostitution.

In the short time I have with you this afternoon, I want to address three things. First, what do we mean when we talk about sex trafficking, and how does it relate to the prostitution industry as a whole? Is Canada meeting its international legal obligations to fight sex trafficking? What role do prostitution laws more broadly play in terms of Canada's meeting those international legal obligations?

Turning to the first of those questions, I'm sure the committee is aware of the confusion and misinformation surrounding these terms and that, really, some of the most common misconceptions are that trafficking requires crossing an international border. That's not true, but it is true that global poverty provides a supply to meet local demands when that local demand is not present, and that's why it's not enough to say we can just leave it to Canadian women to choose or not choose to enter the sex trade, or that if somehow we improve the conditions for Canadian women sufficiently, we'll know whether they are truly choosing or not. The reality is that there is an inexhaustible supply of poor women from around the world to fill that demand.

The second and related misconception is that trafficking requires movement of a person, but, of course, that's also not true legally. You don't have to move anyone to traffick them, although moving victims around does help to isolate and destabilize them. I have met many women who, during their time in prostitution, have been moved around from city to city, motel to motel, and to different provinces to isolate them from family and friends and to put them in situations in which they were wholly dependent on their pimp or trafficker.

Finally, I think the other big misconception about the relationship between trafficking and prostitution is that trafficking is forced and prostitution is free, and that's when we rename it "sex work". That is not true. The reason these terms are not synonymous is because trafficking requires a third person. You can't traffic yourself, so it's true that not all prostitution is trafficking, but the reality is that plenty of women and girls are exploited in prostitution without a middleman or a trafficker. Their poverty, addiction, youth, indigeneity, or racialization is exploited directly by the men who buy them.

The idea that trafficking is the bad prostitution and everything else is the okay prostitution is wrong. Once you have a third party involved, trafficking is simply the exercise of influence, coercion, threats, or pressure to get someone to participate in or to remain in prostitution. Given the nature of the prostitution industry, trafficking is not rare. It is, in fact, pervasive where third parties are involved.

How has Canada then attempted to meet its international obligations? Well, as you know, Canada is a signatory to the Palermo protocol that requires Canada to take necessary measures to prevent and punish the trafficking in persons. Canada has attempted to meet this in two ways, first through the trafficking provisions of the Criminal Code starting in 2005. The problem, of course, is that we've adopted a definition that is much narrower and much harder to prove than the definition of trafficking that you will find in the Palermo protocol.

The definition of exploitation in Canada requires a proven threat to safety, and does not extend to keeping someone in prostitution through the exploitation of a condition of vulnerability, which is part of the Palermo definition.

● (1545)

The reality is that you don't need to use force or violence or threats if you can find someone sufficiently vulnerable. It's, in fact, better for your bottom line if you can get people who will comply without your having to threaten them with violence or rough them up. It can be enough, in fact, in many cases, for the pimp trafficker simply to threaten to reveal that the girl or woman is in prostitution to have her stay and comply.

It's because of how narrow this definition is that we see cases prosecuted instead under the procuring offence and under what used to be the "living on the avails" offence, now called "material benefit". The fact that police and prosecutors are shifting trafficking cases over to these other offences, because it's so difficult to actually prove the very narrow and strict definition of trafficking, I think fuels the false claim of prostitution industry supporters that trafficking doesn't really exist in Canada. That's a reminder that with the way we've currently structured our laws, both the procuring and material benefit offences are crucial to the fight against sex trafficking, because, in fact, they are the main charges being laid.

The second way in which these obligations are addressed is through the 2014 amendments to the prostitution laws more broadly. You have already heard Judge Morrison talk about the Protection of Communities and Exploited Persons Act. These provisions respond to the protocol's recognition that it is important to use the law to target the demand for prostitution directly, something that is not addressed at all by the trafficking provisions, which only apply to the traffickers. The greater the demand for prostitution, the more money traffickers stand to make and the more women and girls they need to meet that demand.

Targeting demand by criminalizing sex purchase is consistent with the emerging international trend based on the human rights of women and the evidence of the pervasive inequality of the prostitution industry. Canada has followed the lead of Nordic countries, such as Sweden, Norway, and Iceland, and has been followed by France, Ireland, and Northern Ireland in adopting this kind of model. I would say to you that a society that is committed to sex equality, to reconciliation with indigenous women and girls, and to the rejection of sexualized racism cannot support men's purchase of sex by decriminalizing that activity.

One hundred percent of men who buy sex, at least from everything I have seen, choose to do so. They are choosing. We don't have to know the backstory of each individual woman to see if she is worthy of our compassion in some way. We simply have to know that the men are choosing, and they are choosing to create that market.

I remain deeply concerned, and I will just say this in conclusion. Based on relentless pressure and misinformation from those who want to legitimize a commercial prostitution industry in Canada, this committee's process will be used as a pretext. We will be told that the government has strengthened the trafficking provisions, so we don't need laws that target prostitution. I want to say explicitly that if that happens, I and others will be there to call you on it.

I want to urge you to take a gender-equality and human rights approach that puts the interests of those who make up the vast majority of those in the sex trade first. Prostitution markets are not inelastic. Traffickers are dissuaded by inhospitable environments. I would say that we are not there yet, but in terms of the legal provisions we have put in place, we are moving in the right direction.

That's what I have to say.

● (1550)

**The Chair:** Thank you very much.

[*Translation*]

It's now your turn, Ms. Carpentier. You have the floor.

**Ms. Mélanie Carpentier (Director, Victim Services, La Maison de Mélanie):** Hello Mr. Chair and committee members.

Thank you for having me here today. I do speak English, but it will be easier if I speak French.

As I listened to what you have been saying, it seems clear to me that sexual exploitation and human trafficking are not really part of your reality. That is why I want to come back to the victims and talk about who they are. The victims are your friends, your sisters, your daughters. They are girls who thought that, one day, their prince charming would come along and save them. They watched *Sleeping Beauty*, where a prince awakens a girl from a deep sleep. They watched *Snow White*, who is saved by a street gang of seven dwarves and then prince charming comes along and offers her the life of her dreams. They watched *Beauty and the Beast* in which Belle transforms the beast into her prince charming with her love, a perfect example of Stockholm syndrome.

Slowly and silently, they become desensitized to sexuality and all of a sudden their prince turns into a frog. This happens so surreptitiously that they do not see anything coming and then they feel responsible for what is happening to them. Others go to a party, unknowingly take a date rape drug, and are gang raped. Their lives are forever changed in an instant.

Who are the victims?

I am the founder and director of La Maison de Mélanie. I work with victims of sexual exploitation and human trafficking for the purpose of sexual exploitation. The victims are police officers, teachers, or MPs who were captured one day. Sexual exploitation has extremely serious consequences, but today I have the opportunity to speak to you on behalf of myself, as a survivor, and on behalf of all those that I fondly refer to as my little sisters in combat, those who have survived the horror of this heinous crime.

In 2014, it became an offence to purchase sexual services of any kind under the Criminal Code of Canada. The women and girls in the industry are supposed to be considered victims, but that is not at all reflected in the society in which we live or in the way such matters are handled by the courts. The stigmatization, exclusion, marginalization, judgment, and rejection that we, as victims, have to live with day in and day out are completely unacceptable and unbearable.

In addition to surviving the most horrific atrocities, we have to deal with constant revictimization, which prevents us from creating a new identity and growing as individuals. By failing to enforce Bill C-452 to give us justice and by making us responsible for what we experienced, the government is giving power to our exploiters and clients and is violating our rights under the Canadian Victims Bill of Rights.

We have the right to be recognized for who we are—victims—and to be heard and believed. Our rights, including our right to redress from the courts, are violated because very few people are receptive to the horror that we experienced. They believe that we are responsible for our own dehumanization, which is a modern form of slavery. We also have the right to obtain justice and to be protected. Since that would involve imposing exemplary sentences on our exploiters and applying consecutive sentences, it is clear that, in your eyes and the eyes of society, we are worth less than those who exploit us.

Today, I hold a bachelor's degree from the Université de Montréal, and I am just about to finish a second bachelor's degree so that I can become a member of the Ordre professionnel des criminologues du Québec. I was awarded a medal of honour by the Senate for my involvement in Canadian society, for my contribution, and for my work with victims.

If the current act were amended and a place were made for victims, how many others could become contributing members of this great country of Canada.

Human trafficking does not just affect victims and their families. It also affects society as a whole. If we fail to provide adequate services for victims of sexual exploitation, we are responsible for higher hospital fees, suicides, children being placed, abandonment, abuse, and addiction. However, if victims were given what they need now, we could help them grow.

● (1555)

I would like to make a comparison with veterans. A total of 42% of members of the Canadian Armed Forces experience symptoms of post-traumatic stress disorder, whereas 94% of women who are raped experience such symptoms. Victims of sexual exploitation are raped every day. They are constantly being raped by one or more people. What percentage of them will experience symptoms of post-traumatic stress disorder?

La Maison de Mélanie and I would like to respectfully make some recommendations.

First, sex education needs to begin in elementary school, particularly when it comes to the notion of consent.

Second, we need to ensure that professionals who may be called upon to help victims are given the proper training so that they can recognize victims and intervene appropriately. I am talking about people such as police officers, social workers, teachers, and others who work in schools, in sports, and in community organizations.

Third, judges need training so that they are aware of the impact human trafficking has on victims.

Fourth, there is a need for more services for victims of sexual exploitation, for example, housing services that meet their needs.

Fifth, we recommend the enforcement of former Bill C-452, which seeks to remove the burden of proof from victims of human trafficking and place it on exploiters, as well as to provide consecutive sentences for offences related to human trafficking.

Sixth, the Canadian Victims Bill of Rights needs to be enforced, particularly the right to protection before, during, and after court proceedings.

Seventh, we recommend making legal help available to the victims of human trafficking for the purposes of sexual exploitation.

Thank you.

● (1600)

**The Chair:** Thank you for your testimony, Ms. Carpentier.

We will now move on to questions. We will do a first round, which means that we will hear one question from the Conservatives, one from the Liberals, one from the NDP, and then another from the Liberals. Then, we will move on to an open question period, where I will ask all committee members whether they have brief questions to ask.

[*English*]

Just raise your hand and I'll pass to that member.

We're going to start with Mr. Anderson.

Mr. Anderson, welcome to the committee.

**Mr. David Anderson (Cypress Hills—Grasslands, CPC):** Thank you, Mr. Chair. A few of us are new here today, but I'm glad to be here.

Actually, Ms. Khalid and I have been together on the Subcommittee on International Human Rights and have just finished a study at her initiative on human trafficking. It was on Southeast Asia primarily, not Canada, but I think many of the things we found there probably apply here as well, and maybe we can talk a bit more about that.

Have any of you done any research on the impact of a stable family unit on victimization and human trafficking? Has any research been done on that, that you're aware of?

**Ms. Nancy Morrison:** None that I'm aware of.

**Mr. David Anderson:** That's interesting.

I want to go then in a bit of a different direction. We talked a bit about underage girls being involved in prostitution and being trafficked, or whatever. I have some Dutch statistics on trafficking from the Dutch rapporteur. In 2016, the year I think these numbers are from, there were 6,250 cases of trafficking, 3,000 of them were sexual, and 1,400 of those were underage girls. How do we avoid this, particularly if we're going to legalize prostitution?

**The Chair:** Mr. Anderson, who are you asking your question of?

**Mr. David Anderson:** It's to whomever has expertise on it.

**Ms. Nancy Morrison:** Why would you legalize prostitution?

**Mr. David Anderson:** There are lots of people who want to do that. That's a good question. That would be one of my questions as well: why would you want to legalize prostitution?

If we're moving in the direction of legalizing prostitution, how do you avoid having underage women victimized in that system?

**Ms. Nancy Morrison:** You can't, but—

**Mr. David Anderson:** Where it has been legalized, we've seen that this is a huge problem.

**Mr. Randy Boissonnault (Edmonton Centre, Lib.):** On a point of order, Mr. Chair, I don't know of anything that we've discussed at this committee or in the House of Commons indicating that this government is heading in the direction of legalizing prostitution, and I'm curious whether the honourable member would let us know what source that's coming from.

**Mr. David Anderson:** Actually, if he wants to talk about it, we can talk about it. Decriminalizing the sex trade is a resolution that was just passed at the Liberal Party convention, so I suspect—

**The Chair:** Mr. Anderson and Mr. Boissonnault, I'm going to rule that Mr. Boissonnault's question was not appropriate. That was debate. We're not here to have a debate.

Mr. Anderson, you have the floor for questions.

**Mr. David Anderson:** Thank you, sir.

The connection is clear between prostitution and human trafficking. Everywhere we see it, there are connections there. My question is, if we're moving in a direction in this country of legalizing prostitution, how do we avoid victimization and the human trafficking of young men and women?

**Prof. Janine Benedet:** Maybe I can approach that question. I don't know if this is going to assist you, but I guess what I would say, as someone who doesn't want to see us move in that direction, is that what I actually see is the opposite. Increasingly now, I attend forums and conferences where I hear people referring to sexually exploited children and youth as "youth sex workers", and, in fact, arguing for a similar harm reduction approach, which would include extending decriminalization to adolescents in prostitution. I think the push to decriminalize prostitution, particularly to decriminalize the purchase of sex when done in the name of preventing some kind of harm to those involved, will naturally extend that. We've had one sex-workers-rights group in Canada actually call for decriminalization to be extended to the purchase of older adolescents.

I think it's wholly incompatible. The question really is, why are so many of those brought into the sex trade and trafficked underage? It's because it's a marker of inequality. It's a marker of inequality we can see. Young people are vulnerable for exactly the reasons you've heard. They're vulnerable to manipulation; they're vulnerable to promises; they're more vulnerable when their home lives have been difficult and chaotic.

There are all kinds of ways in which girls from all kinds of backgrounds, and sometimes boys as well, can be lured into prostitution by those who promise them the moon. I've certainly seen cases, particularly in suburban and rural areas, where young people, teenage girls, don't even realize they're in prostitution. They're brought to parties, and they're expected to exchange sex for drugs and alcohol. They would just think that they're partying. That's the entry point into prostitution, and they don't ever see the money. It never even flows through their hands.

All we're really doing is identifying youth as having a particular kind of vulnerability, but there are many other kinds of vulnerabilities that are also operative.

● (1605)

**Mr. David Anderson:** I'd like to touch on that. Do you know what percentage of trafficking is non-sexual, or economic, within Canada? That would be the next question.

Go ahead, and please answer the other one, too.

[*Translation*]

**Ms. Mélanie Carpentier:** I'm not sure I understood your question correctly.

You are talking about legalizing prostitution, when it is not illegal per se. I was under the impression that the committee was meeting to get recommendations on the changes that should be made to the law in order to protect the victims of the sex trade. I do not understand what you are getting at here. You are talking about legalizing prostitution, but it is not illegal per se.

What are you getting at? I don't understand your question.

[*English*]

**Mr. David Anderson:** My question was about the exploitation of young people. Do we have any information on the amount of trafficking that's non-sexual in this country? Do any of you have any information on that? What part of it is economic? What part of it is sexual? I understand there's an economic component to sexual trafficking, as well.

[*Translation*]

**Ms. Mélanie Carpentier:** According to the studies that have been done, 80% of girls working in the sex trade and in strip clubs were at one time or another under the control of an exploiter.

[*English*]

**The Chair:** Does anybody have an answer to Mr. Anderson's actual question, which relates to what component of trafficking in Canada comes from non-sex work, for example, exploited foreign labour, etc.? I think that's what his question was. Does anybody have an answer to that?

**Ms. Nancy Morrison:** The Inter-Agency Coordination Group statement that I referred to indicated that one-third of the lucrative financial profits gained worldwide from trafficking, totalling about $150 billion a year in 2014, was from the economic or labour aspect of trafficking, and two-thirds was from trafficking for the purpose of prostitution. It was a one-third to two-thirds breakdown worldwide.

**The Chair:** Thank you very much.

To let you know, Mr. Anderson, we had other witnesses here from the labour side who did talk about that, and so we're happy to send you that information.

Thank you very much.

Ms. Khalid.

**Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.):** Thank you, Chair.

Thank you to the witnesses for their testimony today.

When we initiated this study, it was basically to look at the exploitation of minors, women and girls, and also the LGBTQ2 communities. Vulnerable communities are taken advantage of, whether it be through labour, forced labour, trafficking of labour, or sex trafficking.

We went across the county, but we started by having a meeting with Statistics Canada to find out the scope of what human trafficking looks like within Canada. It was very surprising to see, starting with Statistics Canada data here in Ottawa, and then going from Halifax to Montreal to Toronto to Edmonton to Vancouver, that nobody's numbers matched. It's something that I think we have an opportunity to tackle when we're looking at the issue of human trafficking within Canada.

I will start with Ms. Benedet and then go on to Ms. Gosse. I'm looking for your comments specifically.

There was a national task force on human trafficking that was struck by the federal government. I want to know what your opinion is of the efficiency or effectiveness of this task force or this action plan.

Secondly, what can we do to have a more collaborative approach to having realistic numbers when it comes to collecting that data and understanding the full picture of what human trafficking looks like in Canada in a whole-of-country approach?

Ms. Benedet.

● (1610)

**Prof. Janine Benedet:** Those are good questions.

I'll start with the question about the effectiveness of past initiatives. I'm only speaking here of sex trafficking because that's my expertise. I don't have a lot of expertise in the area of labour trafficking.

If we're talking about trafficking for prostitution, and Canada is not alone in this, I think we have fallen into the trap of trying to think of sex trafficking as something wholly distinct from the prostitution industry as a whole. That's led to a lot of problems. It's led us to undercount even the number of cases that do make it to court because of the problem I identified. It's very difficult to proceed—

**Ms. Iqra Khalid:** Sorry, Ms. Benedet, but could you just answer the question? I do have a few more questions and I'm trying to optimize my time here.

**Prof. Janine Benedet:** Okay. I'm sorry. I don't mean not to answer the question. Maybe I'll put it more succinctly.

I think past efforts have suffered from the failure to understand the way that the prostitution market feeds into the phenomenon of sex trafficking, and so they're not always counting the right thing. They're looking for these singular cases in which women are chained to some bathtub in some windowless room, and that's all that counts as trafficking.

I think if we're going to have an accurate picture of what trafficking looks like in this country, we have to agree on the definition. We have to use a definition that's realistic and that's closer to the definition in the Palermo protocol. That, to me, is the problem, which is why we have these wildly differing estimates.

**Ms. Iqra Khalid:** Thank you.

Ms. Gosse, perhaps you want to comment.

**Ms. Barbara Gosse:** First and foremost, one of the biggest problems in this country is that we have no national data collection mechanisms, so law enforcement is working very hard on this with very little resources. Every year, they're told to do more with less. We have been in communication with law enforcement across the country. I can tell you that the incidents of human trafficking they're finding—and those are only those incidents that come to their attention—show that an extensive number of underage girls are being trafficked. That data is incredibly important.

However, law enforcement statistics are collected by the individual police services. They are collected in slightly different ways, maybe not using the same criteria. The problem is that you can't make comparisons between those statistics across the country. We need a national data collection mechanism that will allow us to collect this data on a realistic basis.

At the Canadian Centre to End Human Trafficking, one of the ways that we see is to implement a national human trafficking hotline. The U.S. has been successful in doing this for 12 years. Also, the Polaris project in the U.S. has assisted in implementing the Mexican hotline and the hotline in the U.K. This allows an independent organization to receive calls from victims and to provide them with a centralized, localized response right off the bat. It will also allow them to refer these individuals for services, and get them the help they need at that instance, or refer them to the services they are requesting at the time. It also allows for the collection of that data, and it allows members of the public to report incidents.

As for a national action plan, I should tell you that the federal national action plan expired in June of 2016, so technically we don't have a national action plan here with a national strategy. We only have four provinces across the country with provincial strategies on human trafficking. There has been a recognition by the federal Department of Public Safety that we do need a new national action plan. I think that's going to require a coordinated, integrated strategy between the federal government, the provincial governments, and municipal governments as well, because trafficking is happening in all of those jurisdictions. It really needs to be supported through proper resource allocation to allow the addressing of realities and challenges facing community-based organizations that are working in this area, and also for law enforcement that needs additional resources to investigate these incidents.

● (1615)

**Ms. Iqra Khalid:** Thank you, Ms. Gosse.

I have just one quick follow-up question for you. You had said something in your testimony specifically about engaging stakeholders and grassroots organizations in combatting human trafficking. As we went across the country, we noticed—well, I definitely noticed—that a lot of tension exists between law enforcement and sex workers. Quite honestly, sex workers seem to be at the front line to be in a position to notice if there is any victim of trafficking within their sphere. When we take that harm reduction approach and try to provide support to the victims, how do you think we can better build that relationship between law enforcement and the sex workers who are in the business?

**Ms. Barbara Gosse:** First and foremost, I think there's been a sea change over the last four or five years in the way law enforcement is working with and dealing with sex workers in this industry. I have never found there to be active identification of human trafficking coming from any sex workers' rights organization, or from sex workers on the ground, in illicit massage parlours, or who are working in the field, actually providing statistics or identifying human trafficking happening, even when there are minors being trafficked in areas where sex workers are working. I haven't seen their informing members of law enforcement that trafficking is happening to be an effective process, primarily because many of the pimps who are working with these sex workers are also trafficking, and sometimes trafficking minors as well. They want to fly under the radar. There has to be a reality to this. We're not finding that sex workers have an interest in actually reporting human trafficking interests.

**The Chair:** Thank you very much.

Mr. Rankin.

**Mr. Murray Rankin (Victoria, NDP):** I would like to begin by thanking all the witnesses for their testimony. I've got so many questions and so little time. Let me jump in, if I could, to Judge Morrison and Professor Benedet.

We've heard different views in this committee, as you might expect, on the issue of human trafficking and the connection between it and prostitution. Some believe that prostitution is a form of human trafficking.

Professor Benedet, I think you expressed that view well when you talked about the distinction between forced human trafficking versus prostitution. You called that distinction wrong. I think you called it bad prostitution versus okay prostitution.

Professor Benoit of the University of Victoria pointed out that "adult consensual sex for money is not human trafficking", and she argued that we ought not to conflate those two thoughts.

Second, we have the case for repeal that Pivot in Vancouver has put forward, arguing that the PCEPA violates sex workers' rights under the charter, and that restrictions on communicating for the purposes of selling sexual services infringes on a woman's charter rights.

We obviously have these different perspectives. I'd like to ask each of you if you could comment on that dichotomy, and how can viewing prostitution as human trafficking help or hinder efforts to fight human trafficking?

Perhaps I could start with you, Professor Benedet.

**Prof. Janine Benedet:** First of all, just to underline, I do hope I made it clear in my submission that trafficking is a distinct term to the extent that trafficking does require a third party. Not all prostitution meets the definition of trafficking. If there's no third party involved, it can't be trafficking. You can't traffic yourself. However, whether a third party is involved or not, that does not end the question about what's actually going on in that trade.

I agree with Pivot and I agree with Judge Morrison that the provision that applies that still has some residual criminalization of those who sell sex ought to be repealed. It serves no useful purpose to criminalize people for their own exploitation just because they happen to be near a day care or a school.

What these groups who are advocating decriminalization don't want to talk about is the men who buy sex. It's always cast in terms of this population of sex workers who apparently don't come into prostitution with any of these constraints and should simply be left to protect themselves, apparently, from the violence they encounter. I don't buy it.

I think it's looking at the wrong end of the transaction. The men who buy sex, just buy it. They're the ones who create the market for the traffickers. They don't go around making choices based on the trafficking or non-trafficking distinctions. It would be impossible to have a legal provision that required proof that they knew that the person they were purchasing was being trafficked. It's not how the sex trade works.

I don't think all prostitution is trafficking. What I want to be careful about is that we don't then turn around and say, the rest of it must be terrific, if there's no third party involved, or that the men who do that aren't contributing to the problem of trafficking, because they are.

● (1620)

**Mr. Murray Rankin:** Okay.

Judge Morrison.

**Ms. Nancy Morrison:** One of the things that's never talked about by those who want to legalize prostitution are the children, the teenagers. You cannot separate the issue of children, the young, in the sex trade, as I've said.

In the early 1970s in Vancouver, I tied up the provincial courts for about a year and a half because I defended almost every prostitute, dozens of them, who came into my office. I've prosecuted them. I also sat as a judge.

In almost every single case I have ever been involved with dealing with prostitutes, as a prosecutor, defence counsel, or a judge, each of those prostitutes began as children. By children, I mean under the age of 18. Any statistics will tell you that most prostitutes begin in their early teens, some as early as 12, 13, 14.

The one thing that those who want to decriminalize never talk about is the age that most begin at. It is in their teens. It's almost a *Pretty Woman* image, but Richard Gere is not out there waiting. Not all are students earning their way through university. If they began as children, the idea of consent isn't there. You have to talk about the youth.

[*Translation*]

**Mr. Murray Rankin:** My second question is for Ms. Carpentier.

First of all, Ms. Carpentier, I salute your courage as a survivor of human trafficking. I also want to thank you for your work with victims at La Maison de Mélanie. I think what you're doing is wonderful, and I want to thank you.

**Ms. Mélanie Carpentier:** Thank you very much.

**Mr. Murray Rankin:** What are the key recommendations you would make to the committee? Would it be to amend the Criminal Code? For instance, you talked about the burden of proof. Or would it be to focus on improving victim services? Or maybe both, I don't know.

**Ms. Mélanie Carpentier:** It would be to give these victims recognition, because right now they don't get any. It's as if they lose all value after being raped or victimized. It's hard to find work, be accepted, and be recognized for who they are. The whole mentality needs to change.

If the law is amended, society's mentality is sure to change eventually. Buying sex is now a crime, and that's a step in the right direction. Decriminalizing sex work and telling sex workers they're victims is another step, but now we have to put all this into action.

For a man to have paid for sexual services in the past isn't a bar to employment. But when I'm interviewing for a job, they always tell me they can't hire me because I used to be a sex worker.

You've talked the talk. Now it's time to walk the walk.

**Mr. Murray Rankin:** Yes, I understand.

**Ms. Mélanie Carpentier:** The important thing is to follow through. Sex work has increased dramatically, but we can't get concrete statistics because it used to happen in public places, whereas now it's more underground. Girls are posting ads on Backpage or other dating sites. It's even harder to get figures. We will never get statistics on the number of victims of human trafficking in Canada.

By criminalizing human trafficking, creating a legal framework around sex work, and applying the measures set out in Bill C-452, you would be showing that this is not acceptable. If people feel comfortable in the sex work industry and want to work in that field, they would have the right to keep doing so, because it's legal, but we need to protect victims. As for transactions between two consenting people, it's not up to me to say that's not okay.

● (1625)

**Mr. Murray Rankin:** All right, thank you.

**Ms. Mélanie Carpentier:** We really need to leave room for that.

[*English*]

**The Chair:** I'll come back to you in the short questions, if that's okay.

Mr. Fraser.

**Mr. Colin Fraser (West Nova, Lib.):** Thank you very much, Mr. Chair, and all of you so much for your important input today and your participation in this important study. Obviously, we're hoping that out of this study will come some recommendations to the government to improve the situation regarding human trafficking in Canada.

Ms. Gosse, I'd like to begin with you. You have highlighted the importance of data collection, and I think it's become apparent to us on the committee that there needs to be better data collection across Canada, given the wide disparity in the statistics that we've heard from different sources.

I'm wondering if you can help us identify a model of data collection—you called it a "data collection mechanism"—in another country that we could look at as the way to do this.

**Ms. Barbara Gosse:** I'd like to point to the national human trafficking hotline in the United States. That has been a model that we at our centre are now starting to follow. Polaris, which is the non-profit, national charity in the U.S., has implemented and had that hotline up and running now for 12 years.

Their data collection is significant and identifies the different typologies that exist in the United States. We don't believe we're that much different here. They have identified 25 different typologies of human trafficking, and let's be really clear: the data is clearly showing that human trafficking is first and foremost a business. It's a business where traffickers seem to feel—as has basically become the reality—that this is a low-risk, high-profit crime. As the other witnesses have testified, it is much easier to traffic a human victim than it is to traffic drugs or a gun, where there is substantial evidence. Witnesses have a difficulty in coming forward and a difficulty in prosecuting their perpetrators.

The human trafficking hotline in the United States is allowing victims to come forward and to call the line and get the services and support they need in a localized manner. It's a 24-7 hotline. It connects victims to law enforcement or other services as well.

It also allows members of the public to call in and report tips. Those tips are collected in the database, but also forwarded to law enforcement. Eventually, as time progresses, you're able to collect data that can come directly from witnesses or victims of human trafficking, or from members of the public. You can start to look at networking and identifying the trafficking network that exists in various communities. This in turn assists in disrupting those trafficking networks.

**Mr. Colin Fraser:** Thank you very much for that. I would like to ask you another quick question.

You talked about business activity, and beneficial ownership information being something that could be problematic. Were you talking about changing the rules surrounding beneficial ownership information or constricting it in some way regarding just businesses that deal in this field, or are you talking about changing the model of business information that's available for all businesses? It wasn't quite clear to me. Could you help me understand what you were saying?

**Ms. Barbara Gosse:** We have had direct experience working on this issue of human trafficking at a municipal level. We have recently seen a report by the City of Toronto's auditor general who identified that probably about 25% to 30% of the licensed holistic services in the city of Toronto are basically being accredited by professional holistic associations that operate, as she said in her report, only on paper. They exist only on paper. Those accreditations have been given under false pretenses.

When you start to look at the data and the information, there is inaccurate or blank data regarding the ownership of these businesses. That is both provincial and federal legislation, where these ownerships are not clearly identified in the paperwork of the business. There has been movement by the federal government to change this on a federal basis as well.

● (1630)

**Mr. Colin Fraser:** Okay. That's great.

Professor Benedet, you talked about the sometimes misunderstood statistics with regard to the number of convictions or the number of charges laid dealing with human trafficking. It's my understanding that, in 2016, there were 45 convictions of human trafficking in Canada. I assume that this number may be misleading, obviously, with the prevalence of this issue in our country. Could you help us understand why it is so difficult to get a conviction of human trafficking if it's more prevalent than those numbers would suggest?

**Prof. Janine Benedet:** I'm certainly aware of many cases, and certainly some cases I've been consulted on, in which police or the crown were considering human trafficking charges and ultimately didn't lay those in favour of using the material benefit provision or the procuring offences in the Criminal Code. It's because the definition of trafficking that Canada has chosen really puts a burden on the victim to show their own exploitation and to show that the exploitation took place in some way through threats or the fear of force.

My understanding is that the amendments, if brought into force, would create an evidentiary presumption that might decrease the need to have victims testify, but that presumption can be rebutted, and it still requires, again, evidence of threats or violence, yet we see many cases in which the control is exercised by other means. Judge Morrison referred to the Moazami case in Vancouver, which proceeded under the regular material benefit or living on the avails provisions as they existed. He did things such as buy the young women dogs and then threaten to harm the dogs if they didn't comply. There are all sorts of techniques of control that don't meet the very narrow definition that's in the code.

**Mr. Colin Fraser:** That's helpful.

Thank you very much, Mr. Chair.

**The Chair:** Thank you.

Now we'll go to what we call the short snapper round, where we ask members to provide shorter questions and we ask for shorter answers, if possible, from the panel, so that every member of the committee, if they would like, can ask a question.

We're going to start with Mr. Carrie.

**Mr. Colin Carrie (Oshawa, CPC):** Thank you very much, Mr. Chair; I'm not used to fast snapper rounds. This is a new thing for a politician.

First of all, Judge Morrison, I want to thank you, and all the witnesses, for your wisdom. One of the things you said that really hit me is that our biggest job as a country is to protect our kids. A lot of kids who are into this trade and trafficking have started very young.

My colleague brought up the fact that the Liberal Party adopted a resolution to decriminalize the consensual sex trade. I would note that they've introduced Bill C-75 where they're weakening penalties for criminals. They're delaying consecutive sentencing for human trafficking. They have this hybrid idea where they're adding summary convictions as an option for indictable offences.

I would like your opinion, and maybe a few of the witnesses could give theirs. Should we be weakening penalties for human trafficking or looking to decriminalize the sex trade? Shouldn't we be tightening up laws and making it more difficult? Perhaps you can even tie in what you said about the Nordic model and what they're doing there that is actually showing some positive results.

I know it's a big question for everybody, but we don't have a lot of time here and I thought I'd throw it out here.

**Ms. Nancy Morrison:** To take away that one section that criminalizes women is my first thing. My heart fell as a card-carrying Liberal when I saw that resolution coming along. That wasn't my part of my Liberal Party.

Yes, increase penalties, but that's not the answer. The real question is whether we are really going to make prostitution easy for young people who are coming around. That's my concern.

● (1635)

**Mr. Colin Carrie:** Do any other witnesses want to add to that?

**Ms. Barbara Gosse:** You mentioned protection of our families and of our children. If you think about this in the bigger picture, and you think about decriminalizing prostitution, let's just ask, would you like to see prostitution as a post-secondary educational choice that your daughter might want to go into in the future? Absolutely not.

We want to build a world that's better for our kids, not worse. I can tell you that the survivors of human trafficking who were sex workers initially whom we've spoken to have all told us that the horrors they faced in prostitution were the inherent violence that is brought by a purchaser, by a buyer of a sex worker, and those horrors are just incredible. We do not want to have that in the future for our women and girls or our men and boys.

**The Chair:** Ms. Khalid.

**Ms. Iqra Khalid:** Thank you, Chair.

I miss the more permanent members of our committee. We have such a great committee, where we ensure that we don't really bring partisan politics into very important national issues that we are discussing, like human trafficking today

As we go along and really look at the issue of what human trafficking, sex work, and prostitution really are, it hasn't worked so far. Our strategy so far has not worked.

Judge Morrison, is punishment or strict criminalization really the answer to tackling a crime that has such vulnerable communities involved, where oftentimes it is the victim who is being punished and not the offender? How can we, in our criminal justice system and in law enforcement, really look at the needs of the victim to eradicate the problem and to provide that assistance to them?

**Prof. Janine Benedet:** Take a look at Sweden. One of the detectives who was in charge of the Nordic model that they have in place in Sweden said that when they go in to bust a customer, the woman is there, and they leave behind either a trained police officer and/or a social worker who then sits down with her and asks, "What can we do to help you?" The woman, the seller of sex, is never criminalized. The person who purchased the sex is.

They are changing the culture of that country in a way that Canada has begun. We are on the same track as the Nordic model. Make it more along that track so that you are assisting those victims and they are not criminalized any longer in Canada.

When I started practising law, wow, the women all went to jail. I kept saying, "Where are the men? This is a consensual act. Where are the men?" Well, we know where they are, and I think it's time to do what the act was enacted for in 2014, to criminalize the purchasers and the pimps.

**Ms. Iqra Khalid:** As a follow-up, we talked a lot about the purchasers of sex. We heard from witnesses before at committee about a program where the purchasers of sex, the johns, had to attend john school where they received sensitivity training and understood the impact of what they were doing. They also had to pay a fine. That money was somehow.... It could have been used to provide that assistance to victims.

What is your take on having that as an option, if that could be implemented nationally?

**Ms. Nancy Morrison:** I don't know how much john school.... Anything that helps, I'm in favour of. If it increases the awareness and the sensitivity of those who think it's fine to purchase sex or that's their thing, if it decreases that, I'm all for that. I'm not a big believer in jails. I never have, even though I had to send a lot of people there.

I'm much more in favour of, as I say, the Swedish model where you bring in social workers and trained police officers.

**The Chair:** Thank you very much.

Mr. Rankin.

**Mr. Murray Rankin:** I'll maybe build on that train of thought that Judge Morrison was following.

In countries with the Nordic model, sex work and human trafficking obviously still exist. What about the argument that the only thing that changes is the increasingly dangerous conditions for women, the notion that instead of being able to properly vet the clients, they are now unable to properly interact with them because of the client's fear, the john's fear, that he's going to be arrested, together with the increased mistrust of police by sex workers?

Your point, I think, is that increasingly the detective stays with the woman after the charge and tries to get them services. I get that, but we've heard evidence from other sex workers that their lives are often put in jeopardy as a result of the existing laws. I'd love your comments on that.

● (1640)

**Ms. Nancy Morrison:** I've heard the arguments that they need time to assess the purchaser so that it won't be as dangerous. Most of the victims of Willie Pickton knew Willie. It was party time at Willie's place. Most of the women picked up knew who Willie was, and they'd known him for a long time. It's an argument that I don't buy, and I haven't bought, that if you give more time, then it will be safe, or that if you take it off the street and put it indoors, it will be safe. I don't think the statistics bear that out. The example of Sweden versus Germany is horrifying to me.

**Mr. Murray Rankin:** Why is that? Just elaborate, if you would. Why is the example horrifying?

**Ms. Nancy Morrison:** It's the different climate in the country with regard to prostitution. In Sweden, you see that trafficking has decreased dramatically, particularly from foreign jurisdictions. They also say that in Sweden there is nothing to back up the assertion that taking it indoors makes it safer, and this suggestion that adult prostitutes will hire bodyguards and have chauffeurs is a side of prostitution I haven't seen.

**Prof. Janine Benedet:** Put at its extreme, the documentation I've seen suggests that there is perhaps only one somewhat disputed murder that has been linked to the sex trade in Sweden since they moved to their asymmetrical criminalization, compared with over 50 murders in Germany of women connected to the sex trade. That's violence at its most extreme, but it's a good indicator of the notion that legalized prostitution doesn't wipe out violence.

The men still want anonymity. They still have a sense of entitlement that if they pay enough, they can get what they want. In jurisdictions that have decriminalized prostitution, you will always have a large illegal prostitution industry alongside the lawful prostitution industry. The estimate is that about a third of the women in New Zealand are foreign nationals, mostly Chinese, who are not authorized to work in that country. It's interesting to hear that the switch in immigration may be an attempt to deal with the problem by legitimizing their being brought in for exactly that purpose. I don't know, but that's the first I've heard of it.

I think it's a myth and it's also an abdication of state responsibility. It is not the responsibility of individual women to protect themselves from male violence. It is the state's responsibility to put in place effective criminal laws that are enforced and that actually deal with that problem.

**The Chair:** Thank you.

Mr. Rankin, was that—

**Mr. Murray Rankin:** No, that's fine.

**The Chair:** I'd just point out that Germany has 10 times the population that Sweden does, which should also be borne in mind whenever presenting facts.

Mr. Van Kesteren.

**Mr. Dave Van Kesteren (Chatham-Kent—Leamington, CPC):** Thank you for being here.

I think this is a disturbing subject for a lot of us. It's something that we just don't realize is taking place. I have three sons who are police officers. I remember when they first started talking about trafficking, I asked them if this was really taking place and they told me, yes, increasingly. Their response, for the most part, was that their hands were tied. There was so little they could do.

We banter back and forth about whether or not stricter punishment is the solution to this, or if we should use other solutions. I'm reminded of an old song, from back in the '70s: "I'd love to change the world—but I don't know what to do".

I'll bet you would know what to do if you had the opportunity or the power. I'm just thinking that if there were laws to prohibit the buying and trafficking of sex over.... Well, let's put an age limit on. That could be a start. Is that something that could be done?

If there's a woman you are connected to and she happens to be under 21, let's say, and it can be proven that you are involved with sex trafficking, and you wind up in the slammer for a while, if you received some really hard punishment, wouldn't that be a deterrent? Or perhaps you could identify the businesses involved. If aiding and abetting were a charge against somebody who was pimping these girls, wouldn't that be a step in the right direction?

Judge, I understand and respect that some people don't think jails work. Is that the prevailing opinion amongst all those who are involved in the sex trafficking—

● (1645)

**Ms. Nancy Morrison:** No. There are times, obviously, when jails do come in and must be effective, and are effective.

There are already sections in the Criminal Code to deal with sex with the underaged, and everything else. There are tough penalties, as there should be.

There is no will that I know of, certainly in this City of Vancouver or this province, to spend the money to investigate and give the police, like your three sons, the tools they need to do a proper investigation. Some of that takes a long time because it's hard to find witnesses who will testify.

The prosecution in the Moazami case was an example of incredible police work and wonderful prosecution work. They dealt with these young victims and they got all of them to testify. That is so hard; you have no idea.

The police have not been encouraged to go ahead. I don't think they've been given the means or the encouragement. Of course, the financial means are a big factor. If you find traffickers, I'd be the first one to try to throw the book at them.

**Prof. Janine Benedet:** We do have laws in place. I'd like to see the definition of trafficking brought into line with the definition in the Palermo protocol. It's easy to arrest men for buying sex, but we have the Vancouver Police Department that has a stated policy that they won't enforce the law, that they're not going to enforce that provision in section 286.1, and they've encouraged other police departments in British Columbia to adopt the same approach. I don't understand it. We don't have to go to Sweden for a model. We can look to King County in Washington state, which has done excellent work using technology to target the most prolific johns and bring criminal sanctions against them without ever involving the women.

We have the tools at our disposal, but we have no will. You can keep ratcheting up the punishment all you want. If there's no enforcement and no convictions, that's the problem. It's the failure to enforce that is the issue. I think ratcheting up the punishment actually makes convictions less likely. We saw that when the penalties went way up for purchasing girls under age. We saw men arguing mistake of age, that they thought she was older, and they were being acquitted. I think there's a reluctance to impose those stiff penalties.

I've been to the john school a number of times in Toronto when it existed. It was a very interesting process in which men were diverted out of the criminal justice system. They did this day of training and paid a fine that went to an organization called Streetlight, which I don't think exists anymore.

It's an interesting model, but it is a model in which there is no criminal conviction, in which there is no criminal record, leaving aside the issue of punishment. When the men there were asking questions about what would happen or what wouldn't happen if they weren't there, that's what they were afraid of. They were afraid of the accountability of a public criminal conviction that other people would find out about. That was the deterrent—not the person who came in to talk about sexually transmitted diseases, not the woman who had been in prostitution who came in to talk about how she had been abused as a child and how she had ended up there. What they cared about was that their families might find out, that they might not be able to cross the border to the U.S.

So I know. The studies we have show that's the biggest deterrent, some kind of public criminal accountability for this behaviour. It doesn't need to be attached to a severe punishment, but it does have to be public.

● (1650)

**The Chair:** Thank you very much.

[*Translation*]

Ms. Carpentier, the floor is yours.

**Ms. Mélanie Carpentier:** Thank you.

I am fortunate to be testifying before you as a professional and as a survivor. It's vital to understand that we've been brainwashed into not believing in the justice system. The existing laws are no help when we want to file a complaint, and they don't support us. We have no protection. I'm using "we" to include the women I call my sisters in combat. That puts us off from seeing the process through to the end. It's really hard.

Raising fines for pimps is all well and good, but the law as a whole needs to be reviewed. It needs to really support victims.

**The Chair:** Thank you very much.

[*English*]

The last question is for Mr. Fragiskatos.

**Mr. Peter Fragiskatos (London North Centre, Lib.):** Thank you very much, Mr. Chair, and thank you to colleagues. I don't sit on this committee, but I'm glad to take part in the conversation today. Thank you also to the witnesses.

We've heard, in terms of root causes, that global poverty plays a critical factor in all of this. Professor, you mentioned that at the outset of your remarks. Anyone who has looked at human trafficking knows poverty is a very relevant factor when it comes to the causes of trafficking in general terms. We've also heard today about the importance of data collection in helping to compile a secure and accurate picture of the problem, where it exists and what's being done to confront it. What I want to ask is in that vein, bringing together both of these ideas.

I want to put the question to Ms. Gosse. What can you tell the committee about the state of data collection in developing countries? If we look at global poverty we see that it's concentrated almost overwhelmingly in the global south. I'm going to guess that data collection, where it exists as it relates to human trafficking, is almost nil there. With that in mind, do you think there's a place for industrialized democracies such as Canada to assist developing countries in crafting and creating data collection systems to monitor human trafficking and to collaborate with them on that basis in concert?

**Ms. Barbara Gosse:** Canada has a reputation for being a wonderful diplomatic source for information and intelligence and co-operation on human rights issues around the world. There's no question about that.

Quite frankly, though, Canadians want to see an answer to this issue in this country. We've recently watched ministers who have looked at this issue in other countries around the world, and there's no question that there are human rights issues that are incredibly important and need assistance and intelligence. However, human trafficking is happening at deplorable rates in this country, to minors and to indigenous women and girls.

We have no data collection mechanism here, so it behooves us to encourage and develop a system for our country here and now. Now that this is on the table for us to look at, we need to start investing in this country rather than developing data systems that can be used on human trafficking internationally.

**Mr. Peter Fragiskatos:** Can we not do both? It's not an either-or situation. If a key source of the problem is global poverty, then it can be argued that we ought to help developing countries in whatever way we can to tackle these challenges. You make the case that data collection is very important in this regard, and other organizations that look at this, particularly in the United States, have also put this idea forward. If so, we can look at international efforts that could be made as well as doing what's needed here as far as creating a better way to collect data domestically within the country is concerned.

**Ms. Barbara Gosse:** More needs to be done within Canada on this issue, though, particularly looking at indigenous communities, looking at the poverty levels that affect kids in care graduating out of the system, looking at homeless youth, and looking at those people who are vulnerable in this and are living in poverty as well. A lot more needs to be done in Canada on this, particularly with respect to data collection. We can then utilize what works in our systems to work in other countries as well.

● (1655)

**Ms. Nancy Morrison:** I just want to say that poverty isn't really the driving force in worldwide sex trafficking. It's organized crime. It's the fastest-growing, biggest criminal industry in the world. Poverty is one of the reasons there are so many vulnerable people around the world, but don't forget about organized crime. It's huge.

**Mr. Peter Fragiskatos:** I don't mean to dismiss it, judge. All I'm saying is that even for organized criminals there has to be a source. You have to have desperate people, and poverty creates desperation. That's my point.

**Ms. Nancy Morrison:** I agree.

**The Chair:** I want to take this opportunity to thank all the witnesses very much for your testimony. We had a panel that agreed on not decriminalizing the purchase of sex; we had a panel that talked about and took note of the Palermo protocol and the different definitions between domestic Canadian law and the Palermo protocol. We got the information about the records and the importance of bolstering the Canadian system of collecting data, so thank you very much. We also heard that the section in the Criminal Code related to prostitution near schools should be removed.

I very much appreciate the panel's input. As we always do when we finish hearing from all the panels, we will remember what you said and try to take it into consideration. Thank you very much, ladies.

[*Translation*]

Thank you very much, Ms. Carpentier.

I'm sorry that most of this meeting was in English. I hope you don't mind.

[*English*]

**Ms. Mélanie Carpentier:** I speak English; it's just that it's faster for me to speak in French.

**The Chair:** Perfect.

The meeting is adjourned.

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